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To: National Organic Standards Board  
c/o Arthur Neil  
Room 4008-South Building  
1400 Independence Avenue-SW  
Washington, DC, 20250-0001

From: The Cornucopia Institute

Re: Support of the NOSB's draft pasture guidance document

Date: May 20, 2005

Dear NOSB Members,

On behalf of The Cornucopia Institute, our Board of Directors, staff, and members, I want to take this opportunity to thank you for the careful, thoughtful, and respectful process that has taken place with the effort to produce a rule change and guidance document maintaining organic integrity in dairy production.

Our position is that the current rule, and its ethical/philosophical underpinning, is perfectly understandable and correctly interpreted by the vast majority of organic dairy producers and their certifying agencies. This entire process—the tightening up of the regulations and giving certifiers and the National Organic Program the tools necessary to help in enforcement—has been initiated in response to abuses by a very tiny group of "bad actors." We cannot allow the profit motivation of a handful of corporations and investors to degrade the reputation of the hundreds of family-scale farmers who have built this industry and are dedicated to maintaining its heretofore stellar reputation in the eyes of its customers.

The positions that The Cornucopia Institute has taken in the area of pasture enforcement have been carefully weighed after extensive consultation with our organization's hundreds of members. It is not surprising that 40% of our farmer-members are dairy producers, as this has been one of our highest-profile projects over the past year. In addition to our membership, staff has consulted with our Board of Directors and Policy Advisory Panel, along with the Northeast Organic Dairy Producers Alliance and the Midwest Organic Dairy Producers Association.

However, being a "belt and suspenders" research organization, we were concerned that we were only hearing from the most ardent and politically active dairy producers in the country, and we wanted to make sure that all voices are heard in this matter. Thus, we have just completed an opinion survey (please find below) of organic dairy producers throughout the country. It turns out that the dairy leaders appear to have been fairly representative of the rank-and-file producers.

While I am providing you with a summary of the overall responses, The Cornucopia Institute will present a more comprehensive statistical analysis prior to the upcoming NOSB meeting this August in Washington. We will also excerpt representative comments from farmers, solicited as part of the survey work.

The opinion survey was mailed to approximately 600 certified dairy producers in the Northeast, Midwest, Pacific Northwest, and California. It was also sent electronically to the dairy farm-members of The Cornucopia Institute and any of the 600 farmers, who received it by mail, when we had their e-mail addresses. In addition, because we were concerned that West Coast farmers would be underrepresented in the study, one of our interns made random phone calls to West Coast producers. We also sent the survey to certifiers and processor/handlers on the West Coast, asking them to help with its distribution. Given the inopportune timing of the public comment period, coinciding with the height of spring planting in many regions, we are satisfied that we did everything possible to elicit the maximum participation from farmers.

In fact, we were astounded at a **response rate of better than 25%**, an extremely strong figure in the world of polls/surveys. Obviously, you should understand that this was not a "scientifically conducted" survey in that the participants were self-selecting. Unfortunately, because of timing and funding constraints, we were not able to undertake a more sophisticated random sampling of dairy producers. However, we went to great efforts to assure that our presentation was regionally balanced, and during this period of time we refrained from communicating with farmers and/or encouraging them to get active on this issue.

Based on the survey work outlined above, we can report the following interim findings to the Board and NOP staff:

Approximately 87% of dairy producers stated (please see the precise wording of the questions below) that they supported the draft guidance document as written and would have no problem meeting either of the delineated benchmarks.

Approximately 6% of respondents indicated they supported the draft guidance document as written but stated they would have to make management changes on their farm to meet the benchmarks, which they were willing to do.

In other words, more than 93% of farmers responding support the NOSB initiative and do not anticipate any significant problems in modifying their operations to meet the new guidance parameters.

Slightly less than 5% of producers stated that while they philosophically support the more explicit pasture language in the proposed guidance document, they would have difficulty making adjustments in their operations either because of a lack of pasture available to meet the 30% DMI requirement or because the climate in which they operated did not afford them 120 days of pasture access.

Comments associated with the farmers expressing difficulties appear to fall into one of two categories. In the first category, farmers described legitimate concerns and physical limitations that will challenge them in meeting the "letter of the law." In some cases we question whether these farms should even have been certified in the first place. One respondent, milking 25 cows in the Northeast described his operation as, "a small family farm that is mostly wooded. "Ninety percent of our hay fields are neighboring—quite far from the dairy barn." Although we have great compassion for this family, the regulations and their application need to be scale neutral. If a small operation cannot provide its cows with a reasonable level of pasture, that should not be tolerated in terms of certification oversight any more readily than a farm with thousands of cows lacking pasture because they are farming in desert-like conditions in the West.

The second group of farmers who said that they would be challenged in meeting the benchmarks might have to make substantial alterations to their historic management practices—possibly including capital investments—to meet the guidance parameters. As many on the Board know who have worked with farmers professionally or are producers themselves, farmers are a conservative lot and don't readily adopt radical changes to their production models. However, many, many producers, including quite a number who testified before you this past spring, have made great investments in their own knowledge-base and capital infrastructure in order to "properly" transition to organic production. We should expect no less from all organic producers.

Because of our concern for the families involved, we will conduct follow-up interviews with all producers who felt they would have problems meeting the benchmarks set out in the draft guidance document. We should emphasize, however, that it is our strong belief that from "day one," pasture has been required as an integral component of organic dairy farming. We still would like to have a better understanding of these operations and the challenges they face. This follow-up work will allow us to offer a much more comprehensive account on these few specific farms in our upcoming report to the NOSB.

And finally, only 1% of the survey's respondents indicated that they did not support the new guidance document, regardless of their ability to meet its goals. We also had about 1% of responses that did not clearly indicate their views or voted for conflicting positions (hanging chads).

In closing, there seems to be a clear consensus from the organic farming community that decisive action is warranted by the NOSB and that the National Organic Program should crack down on those scofflaws currently operating. The overwhelming majority of

producers have articulated that judicious enforcement of the pasture requirements will not pose insurmountable hardship on their farms.

Because of this, now or in the future, the NOSB should consider whether or not some or all of the additional language in the guidance document should be incorporated into the regulations themselves, giving the USDA additional power to address this fundamental aspect of organic livestock production.

Respectfully submitted,

A handwritten signature in cursive script that reads "Will Fantle".

Will Fantle  
Research Director  
The Cornucopia Institute